



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,352	05/30/2001	Nicholas G. Jenkins	10952/4	8316

7590

11/29/2005

Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610

EXAMINER

NGUYEN, TRI V

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/870,352	<b>Applicant(s)</b> JENKINS, NICHOLAS G.	
	<b>Examiner</b> Tri V. Nguyen	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date May 30, 2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of undue length (157 words). The applicant is reminded that the length of the abstract should be 150 words or less. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (5,862,223).

Regarding claim 1, Walker et al. discloses a method for using a computer to reward commentary comprising:

- (a) inputting commentary of a first user into the computer (col 25 line 20 to col 26 line 21 and Fig 15); and
- (b) providing a payment from a second user to said first user (col 25 line 20 to col 26 line 21 and Fig 15).

Regarding claim 2, Walker et al. discloses the method of claim 1, in which (b) comprises: inputting into the computer a payment identifier specifying a financial account of the second user, wherein a payment is provided to said first user using the payment identifier of said second user (col 21, line 63 to col 22, line 65 and Figs 10-14).

Regarding claim 3, Walker et al. discloses the method of claim 1, in which (a) comprises: inputting commentary into the computer with a keyboard (col 16, lines 1-12).

Regarding claim 4, Walker et al. discloses the method of claim 1, wherein said computer

Art Unit: 3622

is linked to the Internet (col 25 line 20 to col 26 line 21 and Fig 15).

Regarding claim 5, Walker et al. discloses the method of claim 2, wherein said payment identifier is input using at least one other computer linked to the Internet (col 21, line 63 to col 22, line 65; col 24, lines 38-66 and Fig. 14).

Regarding claim 6, Walker et al. discloses the method of claim 1, wherein the inputted commentary is posted on a web-page on the Internet. Walker et al. discloses requests being posted on web-pages (col 18 lines 31-46) and window messages to interact between the first user (expert) and the second user (end-user) (col 26, line 21 to col 27 line 23).

Regarding claim 7, Walker et al. discloses the method of claim 6, wherein said second user accesses the inputted commentary of said first user through said web-page. Walker et al. discloses requests being posted on web-pages (col 18 lines 31-46) and window messages to interact between the first user and the second user (col 26, line 21 to col 27 line 23).

Regarding claim 8, Walker et al. discloses the method of claim 2, wherein said financial account is a credit card account (col 21, line 63 to col 22, line 65).

Regarding claim 9, Walker et al. discloses the method of claim 2, wherein said financial account is a bank account (col 21, line 63 to col 22, line 65 and col 24, lines 22-37).

Regarding claim 10, Walker et al. discloses the method of claim 1, wherein (b) further comprises said second user purchasing pre-paid credits (col 22, lines 12-45 and col 23, lines 24-46).

Regarding claim 11, Walker et al. discloses the method of claim 10, wherein said first user may only be provided with payment from said second user for said commentary if said first user has purchased pre-paid credits to reward commentary, and said first user has un-rewarded pre-paid credits (col 21, line 63 to col 24, line 24).

Regarding claim 12, Walker et al. discloses the method of claim 11, further comprising notifying the first user if said second user attempts to reward said first user's commentary, but is not able to do so because said first user does not have un-rewarded pre-paid credits (col 21, line 63 to col 24, line 24).

Regarding claim 13, Walker et al. discloses the method of claim 10, wherein said second user is notified when said second user's pre-paid credits have all been paid out (col 21, line 63 to col 24, line 24).

Regarding claim 14, Walker et al. discloses the method of claim 1, in which (b) comprises: transferring payment from said second user to said first user.

Regarding claim 15, Walker et al. discloses an apparatus for rewarding commentary, comprising: a storage device; and a processor connected to the storage device, wherein the processor is operative to receive commentary of a first user, and to provide a payment from a second user to said first user (col 13 line 7 to col 16 line 53).

Regarding claim 16, Walker et al. discloses the apparatus of claim 15, in which the processor is operative to receive a payment identifier specifying a financial account of the second user, and to provide payment of said first user using the payment identifier of said second user (col 13 line 7 to col 16 line 53).

Regarding claim 17, Walker et al. discloses the apparatus of claim 15, in which the processor is operative to receive commentary of said first user through a keyboard (col 16, lines 1-12).

Regarding claim 18, Walker et al. discloses the apparatus of claim 15, in which the processor is linked to the Internet (col 25 line 20 to col 26 line 21).

Regarding claim 19, Walker et al. discloses the apparatus of claim 16, in which the payment identifier is received using one or more computers linked to the Internet (col 21,

Art Unit: 3622

line 63 to col 22, line 65 and col 24, lines 38-66col 25 line 20 to col 26 line 21).

Regarding claim 20, Walker et al. discloses the apparatus of claim 15, wherein the received commentary is posted on a web-page on the Internet (col 18 lines 31-46 and col 26, line 21 to col 27 line 23).

Regarding claim 21, Walker et al. discloses the apparatus of claim 20, wherein said second user accesses the received commentary of said first user through said web-page (col 18 lines 31-46 and col 26, line 21 to col 27 line 23).

Regarding claim 22, Walker et al. discloses the apparatus of claim 16, wherein said financial account is a credit card account (col 21, line 63 to col 22, line 65).

Regarding claim 23, Walker et al. discloses the apparatus of claim 16, wherein said financial account is a bank account (col 21, line 63 to col 22, line 65 and col 24, lines 22-37).

Regarding claim 24, Walker et al. discloses the apparatus of claim 15, wherein said processor is further operative to allow said second user to purchase pre-paid credits (col 22, lines 12-45 and col 23, lines 24-46).

Regarding claim 25, Walker et al. discloses the apparatus of claim 24, wherein said first user may only be provided with payment from said second user for said commentary if said first user has purchased pre-paid credits to reward commentary, and said first user has un-rewarded pre-paid credits (col 21, line 63 to col 24, line 24).

Regarding claim 26, Walker et al. discloses the apparatus of claim 25, further comprising notifying the first user if said second user attempts to reward said first user's commentary, but is not able to do so because said first user does not have un-rewarded pre-paid credits (col 21, line 63 to col 24, line 24).

Regarding claim 27, Walker et al. discloses the apparatus of claim 24, wherein said

Art Unit: 3622

second user is notified when said second user's pre-paid credits have all been paid out (col 21, line 63 to col 24, line 24).

Regarding claim 28, Walker et al. discloses the apparatus of claim 15, wherein said payment of said first user is provided by transferring payment from said second user to said first user (col 21, line 63 to col 24, line 24).

Regarding claim 29, Walker et al. discloses a method for using a computer to reward commentary comprising:

- (a) inputting commentary of a first user into the computer (col 25 line 20 to col 26 line 21);
- (b) inputting into the computer a payment identifier specifying a financial account of a second user (col 21, line 63 to col 24, line 24);
- (c) allotting pre-paid credits to said second user by charging said second user's financial account for use of said credits (col 21, line 63 to col 24, line 24); and
- (d) providing a payment to said first user using the pre-paid credits of said second user (col 21, line 63 to col 24, line 24).

Regarding claim 30, Walker et al. discloses the method of claim 29, further including the step of said second user accessing the commentary of said first user (col 25 line 20 to col 26 line 21).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - A. Gardner et al. (6,064,978) teaches a method and a system for regulating question and answer using a computer network.
  - B. Nielsen (5,948,054) teaches a method and a system for exchanging information between users in a networked computer system.
  - C. Lauffer (6,223,165) teaches a method and an apparatus to connect consumer and expert.

Art Unit: 3622

D. Brinkerhoff (6,963,848) teaches methods and a system of obtaining consumer reviews.

E. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nvt



ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600